

PSJ1 Exh 49

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 4629482

CASE NAME: National Prescription Opiate Litigation - Track 3 v.

DATE OF DEPOSITION: 6/10/2021

WITNESS' NAME: James Rafalski

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

7.14.2021

Date

James Rafalski

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the appended Errata Sheet;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal this 7 day of July, 2021.

Laura Schrader
Notary Public

7.27.2023

Commission Expiration Date

LAURA SCHRADER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MONTMORENCY
My Commission Expires July 27, 2023

ERRATA SHEET

VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 4629482

PAGE/LINE(S) / CHANGE / REASON

38:21-22 Four excel spreadsheets were inadvertently omitted from Schedule I to my report. They are: WMT_MDL_000416563; WMT_MDL_000286240; WMT_MDL_000286239 and WMT_MDL_000286238. I have supplemented my Schedule I with these 4 documents.

40:1-16 ~~Additionally, I reviewed additional sections of other witnesses' depositions based on information or statements identified during my review of 30(b) witnesses' depositions.~~

49:9-10 Remove "I don't use documents"

99:3 replace – with "database"

100:16-22 and 101:14-25: Each reference to "2016" is replaced with "at least 2017." Additionally, as is addressed in my report, despite adjustments made to Giant Eagle's SOMs policies in 2017, Giant Eagle's SOM system did not result in any reported suspicious orders to the DEA as late as 2018 from CT3 and only resulted in 2 reported suspicious orders nationwide. See pages 156-157. Through at least 2017, the system did not flag orders above the internal thresholds until after the orders were shipped. See page 157-158.

111:24-112:5 Even if each individual pharmacy could not identify patterns of suspicious orders, corporate offices could have seen such patterns developing and were obligated to monitor all of their pharmacies. Self-distributing provided Defendants with access to a substantial amount of information that they were obligated to use in the maintenance of effective controls against diversion.

209:25-210:3 While I cannot address whether any specific prescription was diverted, based upon my review and analysis of the available information, including the absence of sufficient due diligence performed by each Defendant, I do opine that the orders identified as suspicious were more likely than not diverted.

232:2-3 For clarification, I will not testify to any information about the 2013 Perrysburg, OH Walgreens investigation other than the information contained within the documents produced about the investigation. I have no independent information as I did not participate in the investigation.

7.14.2021

Date

James Rafalski

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF July, 2021.

Notary Public

LAURA SCHRADER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MONTMORENCY
My Commission Expires July 27, 2023

Commission Expiration Date

ERRATA SHEET

VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 4629482

PAGE/LINE(S) / CHANGE / REASON

238:16 Four excel spreadsheets were inadvertently omitted from Schedule I to my report. They are:
 WMT_MDL_000416563; WMT_MDL_000286240; WMT_MDL_000286239 and WMT_MDL_000286238.
 I have supplemented my Schedule I with these 4 documents.

266:17-18 The CFR only references a corresponding responsibility of a pharmacist, however, the DEA looks
 behind the pharmacist to the pharmacies, corporate and any controlling agents or employees when enforcing
 the corresponding responsibilities.

267:15-17 Rite Aid Store 3151 is located in Akron, Summit County, OH

301:4-7 See also Thomas Prevoznik testimony. See page 19 of my Report.

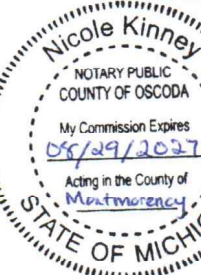
322:12-323:9 I do not know whether WMT_MDL_000416563, WMT_MDL_000286240, WMT_MDL_000286239 and
 WMT_MDL_000286238 are from the ARCHER system. If any or all of the spreadsheets are from ARCHER then I
 have reviewed the information from the ARCHER System.

7-14-2021

Date

James Rafalski

SUBSCRIBED AND SWORN TO BEFORE ME THIS Wednesday
 DAY OF 14th, 2021.



Notary Public

Commission Expiration Date

Veritext Legal Solutions